

United States Court of Appeals For the First Circuit

No. 16-1937

NATIONAL LABOR RELATIONS BOARD,

Petitioner,

v.

UNITED STATES POSTAL SERVICE,

Respondent.

JUDGMENT

Entered: August 31, 2016
Pursuant to 1st Cir. R. 27.0(d)

The National Labor Relations Board (“NLRB”) has filed an application for enforcement against Respondent, United States Postal Service, enforcing its order issued on June 29, 2016 in Board Case Nos. 01-CA-146305, 01-CA-150056, and 01-CA-151451. Respondent previously entered into a stipulation before the NLRB providing for entry of a consent judgment, and respondent has filed an answer in this court confirming that it consents to the entry of judgment and enforcement of the Board's order. Accordingly, it is hereby ordered that the NLRB’s June 29, 2016 order is enforced in accordance with the terms of the February 10, 2016 settlement stipulation (see attached order and appendix).

By the Court:

/s/ Margaret Carter, Clerk

cc:

Linda J. Dreeben

Michelle Amy Ochs Windmueller

Martha St. Germaine

American Postal Workers Union, AFL-CIO, Local 387

NATIONAL LABOR RELATIONS BOARD

v.

UNITED STATES POSTAL SERVICE

ORDER

United States Postal Service, Providence, Bristol, Tiverton, Wakefield, Kingston, Narragansett, Apponaug Station, and Warwick, Rhode Island (the Rhode Island area facilities), its officers, agents, successors, and assigns, shall

1. Cease and desist from

- (a) Failing or refusing to bargain collectively and in good faith with the American Postal Workers Union, AFL-CIO, Local 387, by failing to provide Local 387 with requested information in a timely manner that is necessary for, and relevant to, APWU's and Local 387's ability to perform as the employees' bargaining agent at its facilities in the following appropriate unit (the Unit):

All employees designated as Maintenance Employees, Motor Vehicle Services employees, Postal Clerks, Mail Equipment Shops employees, Material Distribution Centers employees, and Operating Services and Facilities Services employees in Article 1, Section 1, entitled "Union Recognition" of the National Agreement between the APWU and the Respondent.

- (b) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the National Labor Relations Act.
2. Take the following affirmative action necessary to effectuate the policies of the Act.
- (a) Bargain collectively and in good faith with APWU and Local 387 as the exclusive collective-bargaining representative of the Unit.
 - (b) Conduct annual training with each manager and supervisor designated to receive and respond to Union requests for information at the Rhode

Island area facilities on how to maintain information and tender relevant requested information to the APWU and Local 387.

- (c) Within 14 days of service by the Region (1) post at its Providence, Bristol, Tiverton, Wakefield, Kingston, Narragansett, Apponaug Station, and Warwick, Rhode Island area facilities, and (2) send to all its managers and supervisors in those facilities, copies of the attached notice marked "Appendix" Copies of the notice, on forms provided by the Region, after being signed by Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous place, including all places where notices to employees are customarily posted. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material. In addition to physical posting of paper notices, notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means.
- (d) Within 21 days after service by the Region, file with the Regional Director for Region 1 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

APPENDIX

NOTICE TO EMPLOYEES

POSTED BY ORDER OF THE NATIONAL LABOR RELATIONS BOARD An Agency of the United States Government

PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER AND A CONSENT JUDGMENT OF ANY APPROPRIATE UNITED STATES COURT OF APPEALS

FEDERAL LAW GIVES YOU THE RIGHT TO:

Form, join, or assist a union;
Choose a representative to bargain with us on your behalf;
Act together with other employees for your benefit and protection;
Choose not to engage in any of these protected activities.

WE WILL NOT do anything that interferes with these rights. More specifically,

WE WILL NOT fail or refuse to bargain collectively and in good faith with the American Postal Workers Union, Local 387 (the Local Union), the agent of the American Postal Workers Union, AFL-CIO (the National Union), as the exclusive collective-bargaining representative of the following employees at our Providence, Bristol, Tiverton, Wakefield, Kingston, Narragansett, Apponaug Station, and Warwick, Rhode Island facilities (the Unit):

All employees designated as Maintenance Employees, Motor Vehicle Services employees, Postal Clerks, Mail Equipment Shops employees, Material Distribution Centers employees, and Operating Services and Facilities Services employees in Article 1, Section 1, entitled "Union Recognition" of the National Agreement between the APWU and the Employer.

WE WILL NOT fail or refuse to supply the Local Union, in a timely manner, with requested information that it needs to represent the Unit employees.

WE WILL NOT in any similar way interfere with the exercise of your rights under Federal law listed above.

WE WILL bargain collectively and in good faith with the Local Union, the agent of the National Union, as the exclusive collective-bargaining representative of the Unit employees.

WE WILL supply the Local Union, in a timely manner, with requested information that it needs to represent the Unit employees.

WE WILL conduct annual training with each manager and supervisor designated to receive and respond to information requests from the Local Union on how to maintain information and tender relevant requested information to the Local Union.

UNITED STATES POSTAL SERVICE

The Board's decision can be found at www.nlrb.gov/case/01-CA-146305 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

